2:Newcomb E-4, 5 (1951-1952) 1956
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622 In the seventeenth century sachems had limited power and authority and, incredibly in the eyes of Europeans, had no special servants, prerogatives, or the like.[148] Pastorius, for instance, in a letter written in 1694 said:

> These very kings go forth with the others to hunt, shoot the wild animals, and support themselves by the work of their own hands. They have neither servants nor lacqueys, neither housemaids nor court-ladies, and what use has one for a master of horse who keeps no horse, but always goes on foot? In like manner, no court-steward is needed, where there is no one to be cared for besides one's self and one's wife and children.[149]

In the seventeenth century these clan leaders owed allegiance to no higher authority; there were no tribal chiefs.[150] By the eighteenth century leaders had appeared who wielded much more power over larger groups. [619]

623 Despite the little real authority which sachems had, their councils were solemn, ceremonial occasions. Penn and Denton provide early and clear descriptions of how these men governed; their accounts are confirmed by a number of other investigators:[151]

> Every king hath his council; and that consists of all the old and wise men of his nation, which perhaps is two hundred people. Nothing of moment is undertaken, be it war, peace, selling of land, or traffic, without advising with them, and, which is more, with the young men too. It is admirable to consider how powerful the kings are, and yet how they move by the breath of their people. I have had occasion to be in council with them upon treaties for land, and to adjust the terms of trade. Their order is thus: The king sits in the middle of an half-moon, and has his council, the old and wise, on each hand. Behind them, or at a little distance, sit the younger fry in the same figure.[152]

Denton said:

> When their King or Sachem sits in Council he hath a company of armed men to guard his person, great respect being shown him by the People, which is principally manifested by their silence: After he hath declared the cause of their convention he demands their opinion, ordering who shall begin: The person ordered to speak, after he hath declared his minde tells them he hath done: no man ever interrupting any person in his speech, nor offering to speak though he make never so many or long stops, till he says he hath no more to say: the Council
623 having all declared their opinion, the King after some pause gives the definitive
● 681 sentence, which is commonly seconded with a shout from the people, every one seeming to applaud & manifest their assent to what is determined: If any person be condemned to die, which is seldom, unless for Murder or Incest, the King himself goes in person (for you must understand they have no prisons, and the guilty person flies into the Woods) when they go in quest of him, & having found him, the King shoots first, though at never such a distance, & then happy is the man can shoot him down, & cut off his — which they commonly wear, who for his pains is made some Captain or other military officer.[153]

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[148] Lindestrom, 1925, p. 205; Thomas, 1912, p. 335; De Laet, 1909, pp. 57-58; Van der Donck, 1909, p. 303.

[149] Pastorius, 1912, pp. 425-26.

[150] Lindestrom, 1925, pp. 128-38.

[151] Holm, 1834, p. 133; Thomas, 1912, p. 335; Heckewelder, 1881, pp. 107-11; Zeisberger, 1910, pp. 92-93; Harrington, 1913, p. 211.

[152] Penn, 1882, pp. 244-45.

[153] Denton, 1845, p. 18.

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be more complete (Loskiel, p. 143). The typical pre-white type of conflict was one in which a captain took a group of eight or ten warriors on a raid of the enemy camp, from which they carried off what goods they could, a few scalps and prisoners. If the chief of the raiding tribe did not denounce the raiding party and make recompense to the other tribe, war would be declared (Heckewelder, 1881, p. 176; Loskiel, p. 148). The warriors were recruited at a dance in which they signified their desire to participate by joining the warriors already dancing. This was a festive occasion at which women were present and it was repeated at the first night's camping ground to which the women followed the warriors (Heckewelder, 1881, p. 210; Loskiel, p. 146).

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Prisoners were taken primarily to replace men of the tribe who had been killed in battle or died a natural death since the last war. On the march home prisoners received the same fare as the warriors themselves, but at each Delaware town they passed they were forced to perform for the amusement of the townspeople and run the gauntlet. This ordeal consisted in running between two parallel lines in which the townspeople were drawn up and suffering the blows of the double file until a specified pole was reached which guaranteed their safety. When the home village was reached, the same procedure occurred except that those who were to be adopted were sometimes protected by their foster families. Those who were not adopted were tortured in most of the ways the human mind has been able to devise, but gradual dismemberment and slow burning seem to have been the most common. A prisoner who remained impassive under this treatment was held in high esteem.

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Women and children were not usually injured and the peace messenger was also granted immunity, indeed hospitality. Two essential ceremonies of the peace conference were the smoking of the peace pipe and the exchanging of strings of wampum to confirm the covenant (Heckewelder, 1881, pp. 215-18; Loskiel, pp. 143-156; Hill, pp. 53-55; Zeisberger, 1910, pp. 102-03 and 151).

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The weapons used were the bow and arrow, the stone axe and a club with a rounded knob on the end. For defense they had a shield and helmet made of wooden sticks bound together with leather or hemp cord (Johnson, 1915, pp. 281-82; Loskiel, p. 141). Some of the east coast villages were palisaded for protection (Krieger, p. 51; Brinton, 1885, p. 51; Skinner, 1915, p. 7; Heye, p. 11).

Crime

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Offences against members of the group become a concern of the chief only when they could not be settled by the families concerned. "The Justice they have is Pecuniary: In case of any Wrong or evil Fact, be it Murther it self, they Attone by Feasts and Presents of

their Wampum, which is proportioned to the quality of the Offense or Person injured, or of the Sex they are of: for in case they kill a woman, they pay double, and the reason they render is , That she breedeth Children, which men cannot do." (Penn, p. 43). Except for the concept of different recompense according to the sex of the person injured, the above statements are confirmed by other writers. More common than recompense in the case of murder or rape, however, was the death of the offender at the hands of the injured person's family [12] (Brainerd, p. 356; Heckewelder, 1881, p. 329; Ruttenber, p. 48; Harrington, 1913, p. 217).

Religion

All of the Delaware accounts of the origin of the world and of the tribe center around a giant mythical tortoise related in some way to the Turtle phratry and the occasion of that phratry's preeminance over the other two. The most complete version is found in the writings of Danckaerts whose visit to this region dates back to 1679. He asked an old Indian where the first of his race came from.

> "He was silent for a little while as if unable to climb up at once so high with his thoughts, or to express them without help, and then took a piece of coal out of the fire where he sat, and began to write upon the floor. He first drew a circle, a little oval to which he made four paws or feet, a head and a tail; 'This', said he, 'is a tortoise, lying in the water around it', and he moved his hand around the figure continuing, 'This was or is all water, and so at first was the world or the earth, when the tortoise gradually raised its round back up high, and the water ran off of it, and thus the earth became dry.' He then took a little straw and placed it on end in the middle of the figure and proceeded, 'The earth was now dry, and there grew a tree in the middle of the earth, and the root of this tree sent forth a sprout beside it, and there grew upon it a man, who was the first male; This man was then alone, and would have remained alone, but the tree bent over until its top touched the earth, and there shot therein another root from which came forth another sprout, and there grew upon it the woman, and from these two are all men produced...'" (Danckaerts, pp. 77-80).

The following writers also refer to the turtle as the earth and the agent of the creation of man: Heckewelder (1881, p. 250); Kalm (p. 606); Zieseberger (1870, p. 210). Other creation myths have the general theme that the people lived under the earth before they came up to live on the surface (Heckewelder, 1881, pp. 249-50).

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9: Kinietz E-4, 5 (1938) 1946
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621 a nephew, his sister's son, or sister's daughter's son. The se-
614 lection of a successor might be made by an incumbent with the approval of the people. Each of the three divisions had a chief who was chosen by a general council of chiefs and wisemen, possibly with the exclusion of the tribal chiefs and wisemen of the division involved. The installation of the tribal chief was conducted by the head chiefs of the other two divisions.

643 The various sources and informants were unanimous in saying that there was a boundary between the authority of the civil chief and that of the war chief (232). The superiority of the civil chief in peace time was also affirmed by all (233). The reversal of the relative power of each in war was likewise maintained without dissent (234). Power received through visions
[781] was a prerequisite to the office of war chief (237). Captain Pipe's account made no mention of vision power, but his statement of an election similar to that of a civil chief did not preclude this requirement. W. L. stated that a man must have received power through a vision to become eligible for election as a war chief.

623 The existence of a body of wisemen or counselors was reported in every period (238). These men were chosen by the people, according to the information from the third and fourth periods (240). The accounts of the earlier periods did not touch upon this matter. The council or body of wisemen was reported throughout all periods to consider all matters of importance to the tribe (241). The functions of the council were evidently considerable; although called only by the chief, their decision after due deliberation determined the course of action of the chief (238). Women had no voice in council and were only admitted at certain times (243).

Justice

681 According to the idealistic retrospect of W. T., originally, when the Delaware had things their own way, there was no theft, murder, rape, adultery, or any other crime or misdemeanor and hence no punishments or ways of handling such matters were
006 necessary. Since debts were not discussed in detail in the first

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Justice

246. Use of force by creditor

J. W. said that a creditor or victim of a theft did not use force himself to get restitution but applied to the chief. Failing restitution, the chief appointed a man to punish the offender by whipping. On a second or third offense, the chief appointed two men who tied offender to a tree and whipped him with twelve sticks, using one at a time until all were broken. Whipped him to death, was J. W.'s way of putting it. This he was quite sure was the punishment formerly used. Rape was also punished in the same way. 685 686

247. Redress of civil injuries

Roger Williams said force was used for restitution in case of theft involving different tribes. 681

254. Amount of wampum paid by murderer

Zeisberger said one hundred fathoms of wampum for the murder of a man and two hundred for that of a woman. A person who murdered a relative usually went free. 681 682

John Johnston reported that two hundred fathoms was the amount necessary to close the breach on the first offense, no amount being satisfactory for later offenses of this nature.

Captain Pipe—If a murder is committed the friends and relatives of the murderer collect by their own means and the contributions of others a quantity of wampum, which they deposit with the Chief of their own tribe from time to time until the stock amounts to an hundred and twenty fathoms if the murdered person be a man or an hundred and thirty fathoms if a woman. When this is effected the Chiefs call a council at which the nation, or as many as are so inclined, with the friends of the deceased and the murderer assemble. Here, after a few remarks by way of consolation to the afflicted relatives the acceptance of the wampum is proposed to them, and if they refuse eight fathoms are added to it and the presentation is repeated. If they persist in their refusal eight fathoms more are added and should they still reject the offer the connexions of the murderer [696]

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681 pronounce themselves ready to meet the opposite party in any
682 way they may propose to avenge themselves. The fear of the anger of the nation always induces them at last to accept the wampum and compromise the matter. Great difficulties sometimes occur in procuring the quantity of wampum required by law. Seven or eight years have been thus employed. In such cases twelve fathoms are presented immediately after the commission of the offense, as an earnest of the desire of the aggressors to settle the difference in an amicable manner. The acceptance of this first offering is a pledge on the part of the injured relatives to receive the balance. No other presents accompany the wampum, as is the case among the northern Indians.

The guilty person if he be a worthless man, not respected by his own relatives or by the nation will generally effect his escape if possible, for he cannot hope for assistance in obtaining the quantity of wampum necessary. If he be poor but reputable he will probably "deliver his body" as they say, to the relatives of the murdered, and his life being in their hands they have an opportunity to show their generosity which they frequently seize upon.

Offenses of this nature are very often settled by a much smaller quantity of wampum than that mentioned, but as the law requires the one hundred and twenty or thirty fathoms a refusal to accept less does not meet the displeasure of the nation as would be the case if the legal quantity were rejected.

The murder of an individual belonging to a different tribe in the nation of the murder, is considered as a more heinous crime than if the parties were of the same parent stock, and is treated accordingly.

Captain Chipps—The punishment of death, however, is not sanctioned. The ordinary method of settling a difficulty, is by giving presents of wampum to the person injured—this is by judgment of the Council.

If one kills another, a council is called. The chiefs order the murderer to give to the relatives of the deceased, 200 fathoms of wampum—if he cannot do it, the relatives have the right to kill him, in any manner they please. If the relations do not take up the quarrel, the chiefs do nothing about it.

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J. W. said twelve yards was the required amount of wampum. 681
W. T. said four feet was all that was necessary. 682
W. L. said fifty yards for a man, but one hundred for a woman.

256 to 259. Revenge of murder

VAN DER DONCK—Murder or personal injuries are not attended to by the chief, or friends, except for the purpose of reconciling the parties, for which they use all possible means, and give liberally to effect their object when the offender is deficient in means, which is usually the case. A murder among them is never atoned for without heavy payment. The nearest relative by blood is always the avenger, and if he finds the murderer within twenty-four hours after the act, he is slain instantly, but if the murderer can save himself until one day is past, and the avenger slays him afterwards, then he is liable to be pursued and slain in like manner. A murderer seldom is killed after the first twenty-four hours are past, but he must flee and remain concealed; when the friends endeavour to reconcile the parties, which is frequently agreed to, on condition, that the nearest relatives of the murderer, be they men, women, or children, on meeting the relatives of the person murdered, must give way to them. 627 682

J. W. and W. L. said revenge might not be taken by relatives but by two or three men appointed by chief.

264. Desertion of children

E. R. said that desertion of children was settled in the family. 682

HUNTING

318. Ceremonies

LINDESTRÖM—Now as soon as the winter bids good night, they begin with their hunts, which is done with a fine innovation. Now at that time of the year the grass which grows there, as has been said, is as dry as hay. When now the sachem wants to arrange his hunt, then commands his people [to take a position] close together in a circle of ½, or 1 or 2 miles, according to the number of people at his command. In the first place each one 224 622